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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,536	10/15/2004	Peter Schwalbach	112740-1019	4420
29177	7590	07/11/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,536

Applicant(s)

SCHWALBACH, PETER

Examiner

Kiet Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 15 rejected under 35 U.S.C. 102(e) as being anticipated by Willkie et al.
(Patent No. 5,956,651).

Consider **claim 15**, Willkie teaches a telecommunication module (Fig.5, No.116 teach modem card which read on telecommunication module) , comprising: a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection (C3, L14-28, Fig.5, No.171 Illustrate data processing unit wherein perform at least one telecommunication activity);

a control data processor for automatically executing at least one control instruction sequence stored in the telecommunication module, the at least one control instruction sequence being implemented such that, upon execution, the at least one telecommunication activity is initiated (C7, L60-67, C8, L1-41, Fig.5, Illustrate command processor No.170 which read on control data processor wherein control the telecommunication module); and a connector for connecting the telecommunication module to an external electronic device (C1, L46-58, Fig.1, Illustrate laptop computer

No.2 which means as external electronic device wherein connecting the telecommunication module No.8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willkie et al. (Patent No. 5,956,651) in view of Lueh (Pub. No. 2002/0144240).

Consider **claims 16 and 23**, Willkie teaches the limitation of claim as discuss above **but fail to teach** a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction.

In an analogous art, Lueh teaches "Method and system of controlling dynamically compiled native code size". Further, Lueh teaches a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence contains one of at least one Java 2 MicroEdition byte code instruction and at least one BASIC instruction (Page 1, Paragraph [0003], Page3, Paragraphs [0026-0027]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Willkie and Lueh system, such that control instruction sequence contains one of at least one Java 2 MicroEdition byte code

instruction and at least one BASIC instruction, to provide means for flexibility operating.

Consider **claim 17**, Lueh teaches a telecommunication module as claimed in claim 15, wherein the control data processor includes a storage part for storing the at least one control instruction sequence and an execution part for executing the at least one control instruction sequence (Page 2, Paragraphs [0020-0022], teach processing system which contain memory storing data on Fig.2b, No.226)

Consider **claims 18-19**, Lueh teaches a telecommunication module as claimed in claim 17, wherein the execution part executes at least one of Java instructions and BASIC instructions (Page 1, paragraph [0003]).

3. **Claims 20 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Willkie et al. (Patent No. 5,956,651) in view of Lueh (Pub. No. 2002/0144240) and further view of Atkinson et al. (Pub. No. 2002/0012329).

Consider **claims 20 and 26**, Willkie and Lueh teach the limitation of claim as discuss above **but fail to teach** a telecommunication module as claimed in claim 15, wherein the at least one control instruction sequence may be at least one of setup, modified and deleted by the external electronic device via the connector.

In an analogous art, Atkinson teaches "Communications apparatus interface and method for discovery of remove device". Further, Atkinson teaches a telecommunication module as claimed in claim 15, wherein the at least one control

instruction sequence may be at least one of setup, modified and deleted by the external electronic device via the connector (Page 2, paragraphs [0020-0022]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Willkie, Lueh and Atkinson system, such that modified and deleted by the external electronic device via the connector, to provide means for safe/security by update/deleted file through external electronic device.

4. **Claims 21-22, 24-25 and 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Willkie et al. (Patent No. 5,956,651) in view of Lueh (Pub. No. 2002/0144240).

Consider **claim 21**, Willkie teaches a method for controlling a telecommunication module (Fig.5, No.116 teach modem card which read on telecommunication module), the method comprising: providing that the telecommunication module include a system data processor for performing at least one telecommunication activity, the at least one telecommunication activity being at least one of creating, setting up, implementing, monitoring and terminating a telecommunication connection (C3, L14-28, Fig.5, No.171 Illustrate data processing unit wherein perform at least one telecommunication activity); providing that the telecommunication module include a control data processor; providing that the telecommunication module include a first connector for connecting the telecommunication module to an external electronic device (C1, L46-58, Fig.1, Illustrate

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laptop computer No.2 which means as external electronic device wherein first connecting the telecommunication module No.8);

providing that the telecommunication module include a second connector for connecting the control data processor to the system data processor (Fig.5, Illustrate No.171 as system data processor unit which connecting to No.170 as control data processor);

Lueh teaches storing at least one control instruction sequence in the telecommunication module; and automatically executing the at least one control instruction sequence stored in the telecommunication module such that the at least one control instruction sequence initiates the at least one telecommunication activity of the system data processor (Page 2, Paragraphs [0020-0022], teach processing system which contain memory storing data on Fig.2b, No.226).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Willkie and Lueh system, such that telecommunication module include a system data processor for performing at least one telecommunication activity include a first connector for connecting the telecommunication module to an external electronic device and second connector for connecting the control data processor to the system data processor and storing, to provide means for controlling the connection/activity of the communication module device.

Consider **claim 22**, Willkie teaches a method for controlling a telecommunication module as claimed in claim 21, wherein for the automatic execution of the at least control instruction sequence, at least one AT control command is transmitted from the control data processor via the second connector to the system data processor (C7, L61-67, C8, L1-54, Fig.5, Illustrate No.170 as AT control command).

Consider **claims 24 and 25**, Willkie teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the data is transferred from the control data processor via the first connector to the external electronic device (C7, L29-53, C8, L1-54, Fig.1, Illustrate No.7 wherein data is transferred from the control data processor via the first connector and controlling the external electronic device).

Consider **claim 27**, Willkie teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the automatic execution of the at least one control instruction sequence is initiated by at least one of the external electronic device and establishment of a connection from the telecommunication module to a power supply device (Fig.1, Illustrate laptop No.2 as external electronic device which inherently contain power supply device).

Consider **claim 28**, Willkie teaches a method for controlling a telecommunication module as claimed in claim 21, wherein the at least one control instruction sequence is

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implemented such that one particular control instruction sequence is repeated at least once (C7, L14-28, C9, L20-35).

Consider **claim 29**, a method for controlling a telecommunication module as claimed in claim 28, wherein the repetition of the one particular control instruction sequence occurs once a specified intervening time period has elapsed (C9, L20-65).

Conclusion

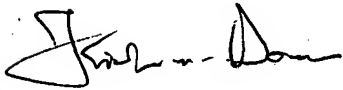
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

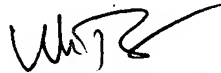
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
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